



DOCKET NO.: WARF-0071

PATENT

EX(2)96000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

In Re Application of:

Sally A. Leong, et al.

Confirmation No.: 2444

Application No.: 09/257,585

Group Art Unit: 1638

Filing Date: February 25, 1999

Examiner: Anne R. Kubelik

For: Cultivar Specificity Gene From The Rice Pathogen Magnaporthe Grisea, And
Methods Of Use

EXPRESS MAIL LABEL NO: EV 251286435 US
DATE OF DEPOSIT: May 5, 2003

EV251286435US

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF APPEALS

Applicant hereby appeals to the Board of Appeals from the Decision of the Primary Examiner mailed **November 5, 2002** finally rejecting claims **1-7, 9, 11, 13, 14, 16, 25, and 26** of the above-identified patent application.

The item(s) checked below are appropriate:

1. STATUS OF APPLICANT

- ☐ Applicant(s) has previously claimed small entity status under 37 CFR §1.27.
- ☐ Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR §1.27 as:

☐ a Nonprofit Organization

2. EXTENSION OF TIME

The proceedings herein are for a patent application and the provisions of 37 CFR § 1.136 apply.

- ☒ Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 § CFR 1.17(a)(1)-(4)) for the total number of months checked below:

	SMALL ENTITY		NOT SMALL ENTITY	
	RATE	FEE	RATE	FEE
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME	\$55	\$	\$110	\$0
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME	\$205	\$	\$410	\$0
<input type="checkbox"/> THREE MONTH EXTENSION OF TIME	\$465	\$	\$930	\$930.00
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME	\$725	\$	\$1450	\$0
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME	\$985	\$	\$1970	\$0
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID	minus	(\$)	minus	(\$110.00)
<input checked="" type="checkbox"/> NOTICE OF APPEAL	\$160	\$	\$320	\$320.00
TOTAL FEE DUE		\$0		\$1140

3. FEE PAYMENT

- ☐ A check in the amount of **\$1140.00** is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.
- ☐ Please charge my Deposit Account No. 23-3050 in the amount of \$.00. This sheet is attached in duplicate.
- ☐ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to Deposit Account No. 23-3050. This sheet is provided in duplicate.

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PATENT

Date: May 5, 2003



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